

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 13-10208-GAO

**JEFFREY SOLOMON,
Plaintiff**

v.

**ANNIE DOOKHAN, DONALD
KEENAN, KATE CORBETT, JUDY
ANN BIGBY, JOHN AUERBACH,
JULIE NASSIF, LINDA HAN,
CHARLES SALEMI, ELIZABETH
O'BRIEN, DANIEL CONLEY, and
SUFFOLK DISTRICT ATTORNEY'S
OFFICE,
Defendants**

**DEFENDANT DONALD KEENAN'S MOTION TO DISMISS PLAINTIFF'S AMENDED
COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Donald Keenan ("Defendant" or "Sgt. Det. Keenan") respectfully requests that this Honorable Court dismiss Plaintiff Jeffrey Solomon's ("Plaintiff") Amended Complaint for failure to state a claim for which relief may be granted. Sgt. Det. Keenan seeks dismissal of the following claims asserted against him: Count I – § 1983 liability for malicious prosecution in violation of the Fourth Amendment; Count IV – § 1983 liability for violation of Plaintiff's rights secured under the Fourteenth Amendment; and Count VII – § 1983 violation of M.G.L. c. 12, §11(I), the Massachusetts Civil Rights Act ("MCRA"). As grounds for this Motion, Sgt. Det. Keenan states that Plaintiff has failed to plead sufficient facts to support an actionable claim and, as such, all claims should be dismissed with prejudice. Furthermore, all claims against Sgt. Det. Keenan should be dismissed as he is entitled to qualified immunity.

In support of this Motion, Sgt. Det. Keenan has also filed a corresponding Memorandum of Law.

WHEREFORE, Defendant Donald Keenan respectfully requests that this Honorable Court dismiss with prejudice all claims asserted against him in Plaintiff's Amended Complaint for failure to state a claim for which relief may be granted.

Respectfully submitted,

DEFENDANT DONALD KEENAN

William F. Sinnott,
Corporation Counsel

By his attorneys,

/s/ Michelle K. Hinkley
Michelle K. Hinkley, BBO # 675609
Erika P. Reis, BBO # 669930
Assistants Corporation Counsel
City of Boston Law Department
1 City Hall Plaza, Room 615
Boston, MA 02201
(617) 635-3238 (Hinkley)
(617) 635-4042 (Reis)

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

5/10/13 /s/ Michelle K. Hinkley

Date Michelle K. Hinkley

7.1 Certification

I hereby certify that on May 9, 2013, I conferred with the Plaintiff's counsel pursuant to Local Rule 7.1 in a good faith effort to resolve or narrow the issues presented in this motion. Despite this conference, the filing of the attached motion is necessary to resolve the issues stated therein.

/s/ Michelle K. Hinkley
Michelle K. Hinkley